

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANDRE LEVESQUE

Plaintiff,

-v.-

Civil Action No.
8:14-cv-298 (GLS/CFH)

WILLIAM DOMINY

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

ANDRE LEVESQUE

Pro Se

Apt. Bulv149

35A Smithfield Blvd

Plattsburgh, New York 12901-2111

GARY L. SHARPE,
CHIEF JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Christian F. Hummel, duly filed March 21, 2014. Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED that the Report-Recommendation of Magistrate Judge Christian F. Hummel filed March 21, 2014 (Dkt. No. 3) is ADOPTED IN PART as follows; and it is further

ORDERED that, if plaintiff wishes to proceed with this action, he must file an amended complaint, which complies the terms of the Report-Recommendation and Order, **within thirty (30) days** from the filing date of this Order; and it is further

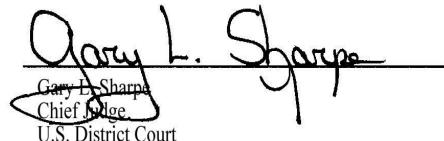
ORDERED that, upon the filing of an amended complaint, the Clerk shall return the file to the Court for further review; and it is further

ORDERED that should plaintiff fail to comply with the terms of this Order, within the time period specified above, this action shall be **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B) and 28 U.S.C. § 1915A(b) for failure to comply with the pleading standards and to state a claim upon which relief may be granted, and/or as frivolous ; and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties in accordance with the court's local rules.

IT IS SO ORDERED.

Dated: April 24, 2014
Albany, New York


Gary L. Sharpe
Chief Judge
U.S. District Court